

~~CONFIDENTIAL~~

31 MAR 1987

OS REGISTRY

07 APR 1987

MEMORANDUM FOR: Deputy Director for Physical and
Technical Security

FROM:

[redacted]
Policy Branch, OS

25X1

SUBJECT: NOAC Working Group/Remote Sensing Commercial
Satellites

1. In the past, CIA representation to the National Operations Security Advisory Committee (NOAC) was provided by Policy Branch, PPS. With the formation of the NOAC working group, and with an expected growth in NOAC and OPSEC activity, the selection of an OS officer with the appropriate technical expertise to serve on the working group and as a permanent member to the NOAC is strongly recommended.

2. The attached memorandum from the C/NOAC concerns the future licensing of private remote-sensing space systems. The DUSD(P) has asked the Chairman to undertake an inter-agency working group to review the subject. The standards recommended by the working group will provide guidance to the Secretary of Commerce in meeting the national security concerns in the licensing process.

3. In addition, the attached draft Terms of Reference (TOR) was prepared to assist the working group in meeting these requirements. The TOR should be reviewed by the NOAC working group member and recommended changes be provided to John Hoover on 697-7641.

4. [redacted] has been asked by the IG/CM(P) to provide a candidate to this newly formed working group at the next

25X1

25X1

25X1

OS 7 2107

~~CONFIDENTIAL~~

CONFIDENTIAL

scheduled meeting on 7 April. If you agree that a PTS officer(s) should be our NOAC and working group representative, please advise me or [redacted] of your selection prior to 7 April.

25X1



25X1

Attachment

!OS/EO/PPS/[redacted] (31 Mar. 87)!:
!Distribution:!
! Orig - Adse!
! 1 - OS/Registry!
! 1 - PPS Chrono!

25X1

CONFIDENTIAL

*Sent to DD/PTS for
action -*

Interagency Group/Countermeasures

Washington, D.C. 20505

10 MAR 1987

MEMORANDUM FOR THE INTERAGENCY GROUP/COUNTERMEASURES (POLICY)

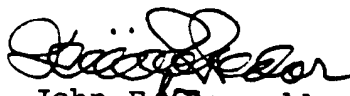
SUBJECT: Remote Sensing Commercial Satellites

Sometime in the future the Secretary of Commerce may call upon the Secretary of Defense to determine those conditions necessary to meet national security concerns of the US for the purpose of licensing a private remote-sensing space system, under the Land Remote-Sensing Commercialization Act of 1984.

The Deputy Under Secretary of Defense for Policy has asked the Chairman, National Operations Security Advisory Committee (NOAC), to undertake an interagency review of the subject and recommend to the Secretary of Defense standards for the guidance of the Secretary of Commerce in meeting the national security concerns in the licensing process.

There is attached hereto a draft Terms of Reference (TOR) to guide a NOAC working group. I ask the IG/CM(P) members first, to review the draft TOR and suggest any desired changes, and second, to provide representation on the NOAC working group as needed.

Changes to the TOR and related questions may be provided informally to John Hoover, 697-7641, who will chair the working group.



John F. Donnelly
Chairman, National Operations
Security Advisory Committee

Attachment

TERMS OF REFERENCE FOR NATIONAL OPERATIONS
SECURITY ADVISORY COMMITTEE

Review of Security Implications of Civil
Satellite Remote Sensing Programs

- I. TASK The Department of Defense has asked the NOAC to review the US Civil Satellite Remote Sensing Program and recommend to the Secretary of Defense standards for the guidance of the Secretary of Commerce in meeting the necessary national security concerns in the licensing process.

II. BACKGROUND

- 101(b) - Under section 101 of the Land Remote-Sensing Commercialization Act of 1984, the Congress declared that, among other things, the national interest of the US lies in maintaining international leadership in civil remote sensing and in broadly promoting the beneficial use of remote-sensing data. The Congress declared, also, that land remote sensing by... private parties of the US affects...national security concerns of the US.
- 402(a) - Section 402 of the Act prohibits any US person from operating any private remote-sensing system without a license (issued by the Secretary of Commerce).
- 607(b)(1) - Section 607 of the Act requires the Secretary of Commerce to consult with the Secretary of Defense on all matters under the Act affecting national security (including the issuance of the requisite license); and, the Secretary of Defense shall determine the conditions necessary to meet national security concerns.
- The National Oceanic and Atmospheric Administration (NOAA), under the Department of Commerce, issued a Notice of Proposed Rulemaking (51 Fed. Reg. 9971, March 24, 1986) which, according to the Radio-Television News Directors Association (RTNDA), would violate the First Amendment. The thrust of RTNDA objections to the Notice is that the rules are unconstitutionally vague and would authorize NOAA to impose impermissible prior restraint. According to RTNDA, the question is not whether NOAA can take action to protect national security, but what standards must it use when doing so.

- Given that commercial multispectral imaging resolution of other countries, such as France and Japan, is at least as good now as the US, and over the years along with US, commercial satellites will achieve even better resolution, the question becomes, "How does the US accommodate necessary and inevitable commercial growth in space and still protect US sensitive information?"

III. SUGGESTED SCOPE OF REVIEW

- What are the national security implications of the Landsat program?
- What are the pros and cons for relaxing the current resolution criterion for the Landsat program? Is there likely to be a commercial market for data collected at better resolutions?
- Are there national security implications of an extensive media use of better-resolution satellite imaging capabilities, perhaps to include development of their own imaging capabilities? The review should specifically address implications relative to the military forces of the US, its friends and allies, and potential adversaries. Could a "Mediasat" compromise the security of future Grenada- or Libyan-type operations? Or can the media obtain the same sort of information by flying aircraft in international air space at a fraction of the cost of a satellite?
- What measures are available to protect national security concerns relative to media use of civil satellite imaging systems, both US and foreign?

IV. POSTULATED STANDARD

Is the following standard consistent with the the NOAC findings and conclusions? If not, how should it be amended?

" The Department of Defense does not impose a technical limit as a standard precedent to the issuance of a license by the Secretary of Commerce so long as the applicant complies strictly with PL 98-365, section 402(b)(5), with respect to providing data collection characteristics and orbital data. However, notwithstanding the grant of a license, the licensee must agree as a condition of the license to the following:

'When the Secretary of Defense, acting on the advice of, or with the concurrence of, the Chairman, Joint Chiefs of Staff, declares that the disclosure of data collected from particular orbits during a particular timeframe would pose a serious and immediate threat to distinct and compelling national security, that data shall be withheld from public distribution or disclosure for so long as the threat exists or until the same data can no longer be held undisclosed because of actual public disclosure by other means.'"

V. REPORT

After coordination with the IG/CM(P) the results of the NOAC review and the NOAC recommendations should be reported direct to the Deputy Under Secretary of Defense for Policy, Washington, D.C. 20301.